

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. MORGAN REYNOLDS on behalf of the
UNITED STATES OF AMERICA,

Plaintiff/Relator,

v.

SCIENCE APPLICATIONS INTERNATIONAL
CORP.; APPLIED RESEARCH ASSOCIATES,
INC.; BOEING; NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES, INC.;
DATASOURCE, INC.; GEOSTAATS, INC.;
GILSANZ MURRAY STEFICEK LLP;
HUGHES ASSOCIATES, INC.; AJMAL
ARBASI; EDUARDO KAUSEL; DAVID
PARKS; DAVID SHARP; DANIELE
VENEZANO; JOSEF VAN DYCK; KASPAR
WILLIAM; ROLF JENSEN & ASSOCIATES,
INC.; ROSENWASSER/GROSSMAN
CONSULTING ENGINEERS, P.C.; SIMPSON
GUMPERTZ & HEGER, INC.; S.K. GHOSH
ASSOCIATES, INC.; SKIDMORE, OWINGS &
MERRILL, LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES, INC.;
WILL, JANNEY, ELSTNER ASSOCIATES,
INC.; AMERICAN AIRLINES; SILVERSTEIN
PROPERTIES; and UNITED AIRLINES,

Defendants.

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: **Index No.:**
: **07-CV-04612 (GBD)**

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: **NOTICE OF MOTION**
: **TO DISMISS**

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PLEASE TAKE NOTICE that, upon the accompanying declaration of Jason Harrington,
Esq., of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, attorneys for
defendant GILSANZ MURRAY STEFICEK LLP (“Gilsanz”), Gilsanz hereby joins, adopts
and incorporates the motion to dismiss submitted by co-defendants Simpson Gumpertz &
Heger, Inc. (“SGH”) and Computer Aided Engineering Associates, Inc. (“CAE”), docketed
item number 23, filed on October 5, 2007, seeking to dismiss Plaintiff/Relator’s *qui tam*
Complaint pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3).

WHEREFORE, for the reasons stated herein and within the motion to dismiss of SGH and CAE, Gilsanz respectfully requests that this Court permit Gilsanz to join, adopt, incorporate, and rely upon the memorandum of law and supporting facts, the motion to dismiss submitted by SGH and CAE, and further requests that this Court dismiss, in its entirety and with prejudice, Plaintiff/Relator's *qui tam* Complaint, together with such other and further relief as this Court deems just and appropriate.

Dated: New York, New York
November 9, 2007

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Jason Harrington
Jason Harrington (JH7273)
Attorneys for Defendant
Gilsanz Murray Steficek
150 East 42nd Street
New York, NY 10017
(212) 490-3000 (p)
(212) 490-3038 (f)

To:

JERRY V. LEAPHART & ASSOCIATES, P.C.
Attn: Jerry V. Leaphart, Esq.
Attorneys for Plaintiff/Relator
8 West Street, Suite 203
Danbury, CT 06810

and

All appearing parties via CM/ECF

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November 2007, I electronically filed the **NOTICE OF MOTION TO DISMISS** and accompanying declaration, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP with the Clerk of the Court using the CM/ECF system which sends e-mail notification to appearing parties.

In addition, I further certify that on the 9th day of November 2007, I caused the **NOTICE OF MOTION TO DISMISS** and accompanying declaration, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP, to be served via first class mail upon the following party:

JERRY V. LEAPHART & ASSOCIATES, P.C.
Attn: Jerry V. Leaphart, Esq.
Attorneys for Plaintiff/Relator
8 West Street, Suite 203
Danbury, CT 06810

By: /s/ Jason Harrington